

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CHRISTOPHER JAGGARS,
Plaintiff

v.

CIVIL ACTION NO. 6:14-cv-00015

SANDY SPRING BANK,
Defendant

MOTION TO DISMISS AMENDED COMPLAINT

Defendant, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss the Amended Complaint on the following grounds:

The Amended Complaint alleges a violation of the Virginia business conspiracy statutes, Va. Code §§ 18.2-499 and -500. Those statutes require proof that a defendant acted with “legal malice”, i.e., intentionally, purposefully, and without lawful justification, in a deliberate effort to injure plaintiff’s business interests. The Amended Complaint is devoid of factual allegations that could plausibly show legal malice on the part of this defendant, and thus fails to state a claim on which relief can be granted.

WHEREFORE, for the foregoing reasons, defendant requests that the Amended Complaint be dismissed and that defendant be awarded its costs.

SANDY SPRING BANK

/s/ John E. Falcone
Counsel

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CERTIFICATE

I hereby certify that I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send notification to Gary M. Bowman, counsel for plaintiff, by email at gary@garymbowman.com , on this 17th day of July, 2014.

/s/ John E. Falcone
Counsel

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